

HONORABLE MICHELLE L. PETERSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC., a Delaware corporation,
Plaintiff,

v.

JOSHUA FISHER, JACOB W. MAHURON
A/K/A “PRAGMATIC TAX,” MATTHEW
ABBOTT A/K/A “NOVA,” JOSE
DEJESUS AKA “DAVID HASTINGS”
A/K/A “J3STER,” TRAVERS RUTTEN
A/K/A “TRAVERS7134,” JESSE
WATSON A/K/A “JESSEWATSON3944,”
JOHN DOE NO. 1 A/K/A “CALC,”
ANDREW THORPE A/K/A “CYPHER,”
RYAN POWER AKA “KHALEESI,” JOHN
DOE NO. 4 A/K/A “GOD,” JOHN DOE
NO. 5 A/K/A “C52YOU,” JOHN DOE NO.
6 A/K/A “LELABOWERS74,” JOHN DOE
NO. 7 A/K/A “FRAMEWORK,” KICHING
KANG A/K/A “SEQUEL,” JOHN DOE
NO. 9 A/K/A “1NVITUS,” DAVID
BRINLEE A/K/A “SINISTER,” JOHN DOE
NO. 11 A/K/A “THEGUY,” JOHN DOE
NO. 12 A/K/A “BEATRED,” JOHN DOE
NO. 13 A/K/A “COMMUNITYMODS,”
JOHN DOE NO. 14 A/K/A “PALACE,”
JOHN DOE NO. 15 A/K/A
“VINCENTPRICE,” JOHN DOE NO. 16
A/K/A “ESSWAN,” JOHN DOE NO.
17A/K/A “ADMIRAL,” JOHN DOE NO. 18
A/K/A “TOMDICKHARRY,” JOHN DOE
NO. 19 A/K/A “ROB,” JOHN DOE NO. 20
A/K/A “STAYLOCKED,” JOHN DOE NO.
21 A/K/A “FIVE-STAR,” JOHN DOE NO.
22 A/K/A “HORROR,” JOHN DOE NO. 23
A/K/A ELITECHEATZ.CO, JOHN DOE
NO. 24 A/K/A MIHAI LUCIAN, JOHN

Case No. 2:23-cv-01143-MLP

DECLARATION OF DYLAN SCHMEYER
IN SUPPORT OF PLAINTIFF BUNGIE,
INC.’S *EX PARTE* MOTION FOR AN
EXTENSION OF THE SERVICE
DEADLINE UNDER RULE 4(m)

NOTE ON MOTION CALENDAR:
June 17, 2024

DOE NO. 25 A/K/A NATHAN BERNARD,
A/K/A “DOVE,” JOHN DOE NO. 26
A/K/A “BLACKMAMBA,” JOHN DOE
NO. 27 A/K/A “BILLNYE,” JOHN DOE
NO. 28 A/K/A “BANEK192,” JOHN DOE
NO. 29 A/K/A SHOPPY ECOMMERCE
LTD, JOHN DOE NO. 30 A/K/A/ FINN
GRIMPE A/K/A “FINNDEV,” AND JOHN
DOES NO. 31-50,

Defendants.

I, Dylan Schmeyer, declare and state as follows:

1. I am an attorney with Kamerman, Uncyk, Soniker & Klein, P.C., counsel to Plaintiff Bungie, Inc. in this action. I make this declaration based on my personal knowledge of the facts herein, and could and would testify to them competently if necessary.

2. The Unidentified Defendants in this case have taken steps to obfuscate their identities and contact information.

3. Summons are being expediently sought for each Defendant, domestic or international, as they are identified.

4. Many of the Defendants Bungie is identifying are domiciled internationally.

5. Bungie is moving forward with serving the Defendants it has located who are domiciled in the United States by waiver or, where necessary, by formal service.

6. When a Defendant is identified, a Rule 4 waiver of service request is sent to them.

7. Bungie intends to afford 60 days to respond to these Rule 4 waivers, and the first round was sent May 3, 2024.

8. Bungie has only received two responses, with one instructing counsel to take this lawsuit and “stuff it”.

9. Bungie will need to re-send these Rule 4 waivers, attaching the Amended Complaint it has just received leave of the Court to file (and which is being filed concurrently with this Motion).

10. Bungie also served two other Defendants with its original Complaint, though neither have yet appeared in the case. Bungie will need to re-serve those Defendants with the

Amended Complaint.

11. Bungie has diligently pursued discovery and other investigative efforts in this action in order to identify, name, and serve the Unidentified Defendants. Despite these efforts, additional time is needed for Bungie to complete its efforts, and an additional, potentially final, request for further third-party discovery will be required.

12. Bungie has issued 24 subpoenas to various third parties pursuant to the Court's Orders (Dkts. 27 and 51), to obtain the necessary information to complete its investigation, 18 in the first wave and six in the second.

13. Bungie has yet to receive three of the productions responsive to these subpoenas and is making efforts to ensure that it does so with all expedience.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 17th day of June, 2024, at Thornton, Colorado.

s/ Dylan Schmeyer

DYLAN SCHMEYER